THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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WRIT PETITION No:3479 of 1995

DATED 28-02-2006

Between:

Vivekananda Centenery High School,

and others.

..... PETITIONERS

AND

The State of A.P., and others.

.....RESPONDENTS

ORDER:

The relief sought for in this writ petition is for a direction to the Regional Joint Director of School Education, Kakinada, to ratify the action of the District Educational Officer, Krishna at Machilipatnam, in the matter of approval of the appointment of petitioners 2 to 6 made by the management of the 1st petitioner school and to issue consequential direction to the 2nd respondent herein to release grant-in-aid from 01-04-1993 till date in respect of the posts held by petitioners 2 to 6.

Sri P.Naveen Rao, learned counsel for the petitioner, would draw attention of this Court to the proceedings of the District Educational Officer, Machilipatnam, dated 30-12-1994, wherein while recommending the case of petitioners 2 to 6, the Regional Joint Director was requested to accord approval for admitting these posts to grant-in-aid.

The judgment of the Apex Court in ***STATE OF ASSAM v. AJIT KUMAR SARMA*** was followed by a Division Bench of this court in ***Y.SIDDA REDDY*** *v.* ***GOVERNMENT OF ANDHRA PRADESH***. The law laid down in the aforesaid

judgments is that the conditions or instructions as to grant-in-aid confer no right of any kind on teachers of private colleges and they cannot apply to the High Court for a Mandamus asking for enforcement of the instructions providing grant-in-aid, even if indirectly there may be some effect on them because of the grant-in-aid being withheld in whole or in part. In view of the law laid down by the Supreme Court and the Division Bench of this court, no relief can be granted in favour of the petitioners.

The writ petition is accordingly dismissed. Needless to state that this order shall not preclude the respondents, if they so choose, to consider the case of the petitioners on merits and in accordance with law. No order as to costs.

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28-02-2006

Prv